

# Notice of Allowability

Application No.

10/807,021

Examiner

Andre' L. Jackson

Applicant(s)

LUCA, VALENTIN

Art Unit

3677

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed October 23, 2006.
2. ☒ The allowed claim(s) is/are 15-19, renumbered as claims 1-5.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

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|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

***ELECTION/RESTRICTION***

Claims 15-19 are allowable over the prior art made of record.

The restriction requirement requiring the election of species I (claims 1, 3-12 and 20) and species II (claims 15-19), as set forth in the Office action mailed on September 25, 2006 has been reconsidered in view of the allowability of claims 15-19 to the elected invention II pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 1, 3-12 and 20, directed to non-elected species I is withdrawn from further consideration because no generic claim(s) within species I require **all** the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: In line 15 of claim 15, the term "said" has been changed to -- a -- before "cylinder" to introduce proper antecedent basis.

***REASONS FOR ALLOWANCE***

Claims 15-19 are allowed over the prior art made of record.

The following is an examiner's statement of reasons for allowance: The prior art made of record does not disclose or suggest every structural limitation as set forth in applicant's claims 15-19. In particular, the prior art fails to disclose or suggest a door assembly including a means defining a horizontally disposed chamber formed within a thickness of a door. The chamber is in communication with an opening formed in one edge of the door. A door closer including a piston rod connected to a piston, the piston displaceably mounted within a cylinder. A spring means disposed between the piston and one end of the cylinder. A means is provided to mount the door closer within the chamber to the door and a support bracket, where the cylinder and piston with the connected piston rod is rotatable relative to one another via an interconnecting link connecting one end of the door closer to the support bracket. In particular, the interconnecting link has one end pivotally connected to a free end of the piston rod and an opposite end of the

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link pivotally connected to the support bracket, thus rotatable movement of the door closer is made.

None of the prior art references made of record disclose or suggest such a concealed door closer within a chamber of a door defining an operating function as set forth in applicant's claims above.

Quinn and Tutikawa are considered the closest prior art references. These references disclose a door closer within a housing of a door, however, neither Quinn nor Tutikawa disclose or suggest a means to mount a door closer within a chamber of a door and a support bracket, where the door closer defines a cylinder and piston with a connected piston rod made rotatable relative to one another via an interconnecting link connecting one end of the door closer to the support bracket. In particular, the interconnecting link has one end pivotally connected to a free end of the piston rod and an opposite end of the link pivotally connected to the support bracket such that rotatable movement of the door closer occurs.

Consequently, none of the other references made of record whether taken singly or in combination cure the deficiencies of either Quinn or Tutikawa. Thus, applicant's claims 15-19 are believed to be patentably distinct from the prior art made of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andre L. Jackson  
Patent Examiner  
AU 3677

ALJ

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**